

THE JOURNAL-TRAVELER "OWL" TRAIN OVER SOUTHERN RAILWAY  
Lv. Louisville (4th St. Cross-  
ing) Daily ..... 3:30 a. m.  
Ar. Cincinnati ..... 4:45 a. m.  
Lv. Cincinnati ..... 4:45 a. m.  
Ar. Louisville ..... 6:15 a. m.  
Shelbyville ..... 4:25 a. m.  
Stops on flag signal.

# The Courier-Journal.

RETURNING—THE SOUTHERN RAILWAY'S "ST. LOUIS SPECIAL"  
Leaves Lexington 6:10 a. m.; Louisville 8:00 a. m., daily, ar-  
riving St. Louis 4:55 p. m.—the fastest train to St. Louis by  
more than one hour. Entire train with observation dining  
car runs through complete.

VOL. CIII. NEW SERIES—NO. 13,147.

LOUISVILLE, THURSDAY MORNING, DECEMBER 29, 1904.

PRICE THREE CENTS. OF FRIGHS FIVE CENTS

**The Weather.**  
Forecast for Thursday and Friday:  
Kentucky—Fair Thursday and Friday;  
warmer Friday.  
Indiana—Fair Thursday, warmer in the  
north portion; Friday fair, warmer; fresh  
west wind.  
Tennessee—Fair Thursday and Friday;  
rising temperature on Friday.

## THE LATEST.

The report of the Census Bureau giving the quantity of cotton ginned up to December 13 caused a big break in prices, the slump at New York being from 39 to 35 points, and at New Orleans from 47 to 55 points. The ginners' report indicated a crop considerably in excess of the Government estimate. In an effort to advance the price of the staple, cotton growers have determined to burn a portion of the crop which has not been marketed. In various parts of Georgia hundreds of bales of cotton were burned, and this example will be followed by other cotton-producing States. It is said, until 2,000,000 bales have been destroyed.

The war officials at Tokio claim to have received trustworthy advices from Port Arthur confirming the report that Gen. Kondrachenko has been killed and that Gen. Stoesel has been injured by falling from his horse. Gen. Shulinnoff is also reported to be wounded. It is considered probable that the next Japanese attack will be simultaneously directed against the east and west faces of the fortress. Admiral Togo is on the way to Japan, where he will receive the congratulations of the Emperor and an ovation from the people for his effective work against the Russian fleet. Japan is now celebrating the New Year season.

In support of a motion for a change of venue in the case against John Lieberth, to be tried for lynch, and afterward for the murder of John Lansdowne if he is declared sane, Mrs. Helen Lansdowne and her son, Wallace Lansdowne, allege that a fair hearing could not be had in Kenton county, for the reason that Kenton politics is so interwoven with the chief business interests of Covington that an entire jury of unbiased men could not be obtained. Salty charges are made against Collector Lieberth and Committee member Richard P. Ernst.

Nothing of a sensational nature developed in the testimony given in the Marcus damage trial yesterday. Many of the defendants' witnesses testified as to the character of B. J. Ewen and Ruck Colton, attorney Pollard, of Jackson, a former partner of Marcus, said the firm's practice was worth about \$1,000 annually. He said he would defend Curtis Jett because he would not defend any man who killed his friend.

Governor-elect Adams through his attorney has filed a petition in the Colorado Supreme Court asking that the court or a commission appointed thereby open all the 204 ballot boxes used in Denver at the late election and make a thorough examination of their contents. The Supreme Court after hearing arguments on the petition announced that it would render its decision this afternoon.

Reports from the interior of Russia indicate that the fairly good effect of the imperial manifesto has been more than counterbalanced by the irritation caused by the Government note to the Zemstvos. The Zemstvo at Moscow has adjourned sine die and the excitement there is so great that riots are considered a menacing possibility.

Gov. Durbin and the members of the Indiana Board of Charities visited the Insane Hospital at Evansville yesterday to investigate charges that had been preferred. It is the general belief that he will ask for some resignations as a result of his investigation.

Prominent and wealthy citizens of Fairmont, W. Va., have agreed to furnish bail for Nan Patterson in any amount up to \$50,000. Miss Patterson's father says she is broken down completely and he fears her condition will result in insanity.

District Attorney Jerome is trying to find out who furnished Charles F. Dodge with funds while he was traveling around in the South. An attachment has been issued for Edward Bracken, a detective, who accompanied Dodge to Texas.

There was no big shipment of coal from Pittsburgh yesterday because of the high winds. About 1,000,000 bushels, it is expected, will be started South to-day. The river continued to rise despite the severe cold.

According to a report prepared at the office of the State Auditor of Iowa, forty banks were wrecked in the State this year, ten bank cashiers committed suicide and twelve million dollars was lost to depositors.

Curtis Jones, a member of the State Geological Survey, is missing from his home in Lexington, and it is believed that he has met with foul play, as he carried considerable money.

Francis Campbell, proprietor of a blind tiger in Breathitt county, shot and killed Henderson Fugate, aged 35 years, Campbell was arrested and lodged in jail.

Richard Peters shot and killed James Neal in a church at Cumberland Falls, where a Christmas tree was given.

## CRITICAL

### Period in the Internal Affairs of Russia.

MOSCOW, Dec. 28.—(Special.)—

AND YET BE THE SCENE OF BLOODY RIOTS.

GOVERNMENT IS CRITICISED

And the Zemstvo, "Deeply Moved" By the Turn of Events, Adjourns Sine Die.

GRAVE FEARS OF A CRISIS.

St. Petersburg, Dec. 28.—It is evident from the reports received from the interior that the fairly good impression produced by the imperial manifesto on the subject of reforms may be more than offset in many places by the effect of the Government note of warning to the Zemstvos. Private reports from Moscow, especially, indicate that much excitement prevails there, and the grave fears are expressed that the ancient capital of Russia may be the scene of bloody excesses. A banquet arranged to take place there last night on the anniversary of the Troubezskoi revolution was stopped by order of the police, and the Moscow Zemstvo adjourned sine die as a protest against the Government note and the return of Grand Duke Sergius, the Governor General of Moscow. The Grand Duke is held to be responsible for the note, which may signal a renewal of terrorism.

A Critical Moment.

The Pekoff Zemstvo has also followed the lead of those of Chernigov and Moscow, and it is not unlikely that others will follow their example. Although the Government is considered critical, although the feeling in St. Petersburg is quieter.

The papers are not disposed to regard the injunction to refrain from discussing political matters. Under cover of continuing on the manifesto, which really accounts for the spirit of hopefulness, they do not hesitate to point out the vagueness of its terms and the lack of guarantees. The Conservative Liberals fear that a continuation of this course, especially if accepted by a revision of the manifesto, will result in a realization of the fruits of the victory gained, and place the Moderate Liberals in a false position.

Witte Acting With Energy.

In the meantime, M. Witte, president of the committee of Ministers, is acting with energy in preparing to organize the various commissions under the laws projected by the manifesto. The destinies of Russia in the immediate future seem to be in his hands. The majority of the Ministers are hostile to him, but the warm support of Interior Minister Sviatopolk-Mirsky assured, no doubt is entertained that Witte will make himself complete master of the situation. The danger is that a crisis may be precipitated, not in the form of an actual revolution, but in scattered demonstrations and the revival of terrorism which will again place the reactionaries in the complete ascendancy.

M. Witte, it is understood, proposes in the course of the evening to subject to his manifesto to the press, to invite editors, Zemstvos, etc., to participate in the discussions.

The Strike At Bakou.

The big strike at the Bakou oil fields coming at this time is another cause for anxiety as possibly forming a rallying cry for the workmen's organizations.

The Troubezskoi banquet at Moscow was only broken up at 3 o'clock this morning. Among those present were the prominent writers, professors of the university, mining school and the Technological Institute, editors and Socialists, and a large number of the well-known lawyers and members of the St. Petersburg municipality, presided. The text of the resolution, which was carried by 706 to 70 votes, after many fervid speeches, was as follows:

In view of the horror of the war, which is devoid of sense, and in view of the enormous sacrifices and ruin to which the Government dragged the nation, without consideration for the opinions or interests of the Russian people, and we express our profound belief that only the nation itself can save Russia from her difficulties through the representatives of the people elected by secret ballot on the principle of equal rights. Our motto is peace and freedom.

ADJOURNS WITHOUT DAY.

Moscow Zemstvo Is "Deeply Moved" By the Government Note.

Moscow, Dec. 28.—The Zemstvo adjourned indefinitely yesterday evening, after the adoption of a resolution, as follows:

"This Zemstvo, deeply moved by the Government's note in regard to the Zemstvos at Moscow meetings, is unable to continue its business at the necessary calm, and therefore adjourns sine die."

The resolution was signed by thirty-four delegates. Seven delegates voted against it.

Prior to putting this resolution President Troubezskoi said that two dissenting statements had been appended to the minutes of the previous sitting. One had a single signature attached to it. The other had thirteen. The latter was in part as follows:

"We find it impossible to sign the proposed address to the Emperor. The Russian people we firmly believe in the ancient principle of the Emperor's autocracy and unconditionally repudiate

## SALTY

### Charges Made By Lansdowne's Friends

IN LIEBERTH LUNACY CASE.

SENSATIONAL AFFIDAVIT FOR CHANGE OF VENUE

FILED BY WIDOW OF VICTIM.

Declares That a Fair Hearing Cannot Be Obtained In Kenton County.

POLITICS AT BOTTOM OF IT.

Covington, Ky., Dec. 28.—(Special.)—A sensational affidavit has been filed in the Kenton Circuit Court by Mrs. Helen Lansdowne and her son, Wallace Lansdowne, in support of a motion for a change of venue in the case of the Commonwealth against John Lieberth, who is to be tried on a charge of lynch January 3, and afterwards tried for the murder of John Lansdowne should the jury refuse to adjudge him insane. The strange part about the filing of this affidavit by the widow of the murdered man and her son, is that the Commonwealth's Attorney had refused to make a motion for a change of venue, giving as his reason that he could not agree with their view of the conditions existing in Kenton county.

Attorney O'Neal's Action.

The affidavit states that two attorneys were employed by the affiants to assist in the prosecution. The Commonwealth's Attorney said they should only act in an advisory capacity. A motion was made by one of the attorneys to be allowed to act in full capacity with the State's Attorney, but the other attorney, John B. O'Neal, stated that he did not agree with the statement advanced by his colleague. It was then learned that O'Neal was an attorney for the poolrooms, which the affidavit states was responsible for his attitude, although he had accepted payment as a fee in the case.

The Lansdownes, in their affidavit, allege that Lieberth killed John Lansdowne, thinking it was Wallace Lansdowne, who had preferred charges against Collector of Internal Revenue George Lieberth, defendant's brother.

Ernst is interested in the lunacy case, as under Lieberth's regime, it is alleged, he secured the conviction of Lieberth for the party.

It is alleged that Ernest and Lieberth desire that defendant John Lieberth, be convicted of lunacy.

An Intricate Machine.

It is alleged that the poolrooms operating in Covington are part of the Republican machine, and that they dominate every political movement, clean and Democratic county committee members on their pay roll. It is alleged that Lieberth is in the service as poolrooms should be in service as jurors. Lieberth's friends would not admit that he was a party to the same thing which would not apply to the employees and applicants for positions with the street car company, Union Light and Power company and German National Bank, of all which institutions James Ernst is president, and his brother, R. P. Ernst, attorney.

It is alleged that the employees of the post-office and internal revenue collector's office and their friends and relatives are kept in the service as poolrooms, and not to affiants, and might get on jury service.

The affiants allege that there is a "combine" for political and personal purposes, between the poolrooms, the collector's office and certain corporations, that the political interests of the city, and this "combine" is exerting its influence to secure a conviction for lunacy, and that the Commonwealth cannot get a fair jury.

DELEGATES ARRIVE FOR SIGMA NU CONVENTION.

A Three Days' Session Begins At New Orleans With Little Work Before It.

New Orleans, Dec. 28.—One hundred and twenty-five delegates are here to attend the annual convention of Sigma Nu, the youngest of the Greek letter fraternities, which opened its three days' session to-day. The present convention will be largely a social affair, the Indianapolis meeting two years ago having done a great deal of work in revising the laws and leaving not much for this convention to do.

George M. Cook called the convention to order and the roll call showed many men of prominence in attendance. The sessions will be executive.

Sigma Nu was founded in 1866 at the Virginia Military Institute, and two of the founders, John T. Hopkins and Greenfield Quarles, are due here to-day to attend the convention.

Sigma Alpha Epsilon Fraternity.

Memphis, Tenn., Dec. 28.—When Emory University Fraternity called the convention of the Sigma Alpha Epsilon Fraternity to order to-day he was greeted by a large attendance. The reports of committees left over from yesterday were heard and discussed. The reports will probably be elected to-morrow.

BRASH CHENAULT BREAKS JAIL AT LOCKLAND.

With Rounds of a Chair and Hot Poker He Plays Havoc With the Doors.

Cincinnati, O., Dec. 28.—(Special.)—With the rounds from a chair and a hot poker, Brash Chenault, wanted at Richmond, Ky., on a charge of horse stealing, escaped from the Lockland jail early to-day. About 1:30 this morning the police filled up the stove

## READY

### To Furnish a Bond For Nan Patterson.

WEALTHY WEST VIRGINIANS

DECLARE THEY WILL PUT UP TO THE EXTENT OF \$50,000.

BELIEVE SHE IS INNOCENT.

Father of the Former Show Girl Fears Her Mind Is Becoming Impaired.

FAMILY PHYSICIAN CALLED.

New York, Dec. 28.—Nan Patterson, the former show girl who is in the Tombs prison charged with the murder of Caesar Young, was in better spirits to-day than at any time since the second jury which heard the testimony in her case reported that they were unable to agree upon a verdict. She believed, she said, that the freedom for which she had longed for more than six months was about to be granted. A telegram came to her announcing that four prominent men in Fairmont, W. Va., were prepared to furnish bail for her in any amount up to \$50,000. The telegram was as follows:

"Fairmont, W. Va., Dec. 28, 1904.—Nan Patterson, Care Tombs Prison, New York City: We will furnish bail to the extent of \$50,000 if necessary. P. A. Deveny, H. J. Brice, Edward Slack, C. W. Swisher, Secretary of State-elect."

Miss Patterson's counsel conferred with Assistant District Attorney Rand to-day. Afterward it was learned that both sides desired delay, and it seems probable that Miss Patterson will not be put on trial again for several months.

Nan Patterson's father, who spent the greater part of the day with his daughter in the Tombs, said after leaving her that he feared that she was going insane.

"She is broken down completely," he said. "I tell you my little girl is a physical and mental wreck. I am afraid that her mind is giving away under this dreadful strain. She is worse than she was when she was in the hearing of the jury's disagreement. I have sent for my family physician."

Dr. Maguire was sent for later, and after examining Miss Patterson said:

"Miss Patterson is in a highly nervous and even a hysterical condition, but in my judgment there need be no fear of insanity from present indications. She laughs a good deal, but the laughter is more of a hysterical character than from any impulse that would appear like insanity. She needs good care and constant watchfulness and companionship. The latter, we all know, cannot be very well supplied in a prison."

SWISHER DID NOT SIGN Telegram, But Others Say They Are Ready To Make a Bond.

Fairmont, W. Va., Dec. 28.—T. A. Deveny, one of the wealthiest men in this city, confirmed the report to-day that he, H. J. Brice and Edward Slack, also local business men, would furnish Nan Patterson bond to the extent of \$50,000 if necessary, not in order to receive notoriety, but because they believe her innocent of the crime with which she is charged. A telegram sent Nan Patterson at the Tombs, New York City, bears the names of these men and also that of C. W. Swisher, Secretary of State-elect. Swisher positively claims he never signed the telegram or authorized his name in any way to be used in this connection.

MUST ANSWER A CHARGE OF MURDER, NOT ASSAULT.

Unpleasant Surprise Awaits a New York Patrolman When He Appears In Court.

New York, Dec. 28.—Commitment to jail on a charge of murder in the first degree, without bail, was the surprise which greeted Frank McLaughlin, a patrolman, when he appeared in the criminal court to-day to plead to an indictment charging him with assault upon James P. Robbins, a newspaper reporter. A new charge was based upon an indictment which District Attorney Jerome said would be returned by the grand jury to-morrow.

McLaughlin was once before arrested in connection with the killing of John W. Patterson, a watchman. The coroner's jury found that he shot Patterson in self defense, and he was discharged. The District Attorney was not satisfied with that disposition of the case, however, and began an investigation which, he says, has resulted in an indictment charging murder in the first degree.

When McLaughlin's counsel asked for a postponement, District Attorney Jerome arose and said:

"Your Honor, I have absolutely no objection to a postponement of the assault case, but that is not the charge now before the court. This man has been arrested on a warrant charging him with murder in the first degree, the brutal and unprovoked killing of a negro last May."

The policeman turned pale, shook from side to side, and grasped the railing for support. His lawyer looked in amazement at Mr. Jerome, who related the circumstances of the crime. McLaughlin was taken to the Tombs.

Republican Will Contest.

Baltimore, Dec. 28.—Congressman William H. Jackson, Republican, to-day served formal notice upon Thomas A. Smith, Democrat, that he would contest the seat in the Fifty-ninth Con-

## MAY GIVE BAIL.

### FRIENDS OF MRS. CHADWICK READY TO ASSIST HER.

WILLING TO PUT UP \$40,000.

Warrant For Extradition of Dr. Chadwick To Ohio Mailed From Albany To Sheriff Barry.

Cleveland, Dec. 28.—A syndicate, for which Attorney P. D. Quigley, of this city, is spokesman, is said to be ready and willing to furnish bail up to the sum of \$40,000 to procure the release of Mrs. Chadwick, held in jail here awaiting trial on the charge of forgery. Attorney Quigley would not give the names of the prospective bondsmen of Mrs. Chadwick, but says that they are well able to furnish any reasonable sum of money required if Mrs. Chadwick is permitted to go out on bail.

The Federal officials are said to be not in favor of giving Mrs. Chadwick her freedom and will, it is understood, discourage such a proceeding without, however, infringing on the prisoner's constitutional rights.

May Reach New York To-day.

New York, Dec. 28.—It is probable that the Hamburg-American Line steamer Pretoria, with Dr. Leroy S. Chadwick on board, will not reach this port until to-morrow, or possibly not until Friday. She was due to arrive New York to-day. The delay is owing to the unusually heavy weather reported here. They could not leave the States when the Pretoria docks Dr. Chadwick will also be served with a summons in a suit brought by Herbert D. Newton of Boston to recover \$50,000 on two notes now overdue.

It was understood to-day that a number of the members of the States are in the city for the purpose of endeavoring to arrest Dr. Chadwick and serve papers on him preliminary to securing his extradition.

Extradition Warrant Mailed.

Albany, N. Y., Dec. 28.—The warrant for the extradition of Dr. Chadwick from New York to Ohio was mailed this afternoon to Sheriff Barry at Police Headquarters, New York, after approval of the State Department. The warrant had been secured from Gov. Odell. It should reach Mr. Barry early to-morrow.

SOURCE OF FUNDS DRAWN UPON BY CHARLES DODGE IS A MYSTERY.

District Attorney Jerome Believes Detective Bracken Knows Who Supplied the Money.

New York, Dec. 28.—The first official move by District Attorney Jerome to uncover the conspiracy and lawlessness which he believes lies back of the long legal fight in the Dodge-Morse case was made to-day when he swore out an attachment for Edward J. Bracken, a detective. Bracken, it is alleged, was with Dodge in New Orleans and accompanied him to Texas. Public interest has been increased recently by the reports that Dodge had made a confession to the District Attorney implicating other persons in the conspiracy.

The great mystery of the affair has been the fact that Dodge, himself a poor man, was plentifully supplied with money while he fought extradition in sweating that he was not properly served with the divorce papers. Proceedings against prominent lawyers before the bar association have been kept secret by the District Attorney's programme.

Mr. and Mrs. Morse are in Europe, but have announced their intention to return soon.

Dodge, who is at a hotel in this city, is in bad health and was said to-day to be on the verge of collapse.

MITCHELL AND HERMANN BEFORE THE GRAND JURY.

Portland, Ore., Dec. 28.—Senator Mitchell and Congressman Blinger Hermann appeared before the Federal grand jury to-day. They would be learned of the proceedings within the jury room.

The New Grecian Cabinet.

Athens, Dec. 28.—A new cabinet has been formed, with Delyanov as Premier and Minister of the Interior, Skouzes as Minister of Foreign Affairs, and Chalchalis as Minister of War and ad interim Minister of Justice, Carapanos as Minister of Education, and Gounarakis as Minister of Finance.

Mother and Child Burned.

Fairmount, W. Va., Dec. 28.—While Mrs. Pasquale Dell and little son were eating breakfast to-day a lamp exploded and ignited the clothes of both. They were so badly burned that they died within a few hours.

## OPEN ALL

### The Ballot Boxes, Is Gov. Adams' Request.

WANTS TO KNOW THE TRUTH

ABOUT THE ELECTION IN THE DENVER PRECINCTS.

ATTORNEYS FILE PETITION

And the Supreme Court Announces That It Will Render a Decision To-day.

STATE CANVASSERS AT WORK.

Denver, Col., Dec. 28.—Attorney Charles S. Thomas and Samuel W. Bedford filed a petition in the Supreme Court to-day on behalf of Alva Adams, the Democratic Governor-elect, asking that either the court or a commission appointed by the court shall open all the 204 ballot boxes used in Denver at the late election and make a thorough examination of their contents. The court decided to hear arguments on the petition later.

"I have no question about my election by substantially the majority reported on the face of the returns," said Gov. Adams. "I want this investigation made. I want it to extend from the head to the foot, and I want the truth known."

Gov. Adams' petition charges that certain evil disposed persons are using the Supreme Court as a cloak under which they may nullify the will of the people as constitutionally expressed at the polls. The petition insists that, however extensive the frauds perpetrated, the legal voters have a constitutional right to have their ballots counted, and to that end every ballot box in the city of Denver should be opened and its contents scrutinized.

Decision In a Minor Case.

Late this afternoon the Supreme Court announced its decision not to grant the application of Michael Besbor, Democratic candidate for the State Senate in Las Animas county, for leave to file an application for a writ of mandamus to compel the State Board of Canvassers to canvass the returns showing his election and issue a certificate to him. This decision applies likewise to the contest from Boulder county, where Senator Charles B. Ward, Democrat, was re-elected on the face of the returns, and the Republican attorney asked the board to issue the certificate to the Republican candidate. The court decided that it had no jurisdiction over the board.

State Board Enjoined.

Immediately after the decision was given the board proceeded with the canvass behind closed doors. The precaution of locking the doors was taken to prevent the service of a writ of injunction issued by District Judge Carpenter, restraining the board from issuing certificates of election to the Republican contestants, Cassimery Barnes and H. B. Millard. The deputy sheriff bearing the injunction read it through the keyhole. The board nevertheless granted a certificate to Barnes and Millard. When the doors were opened the writs were served on the members.

Summons To Appear.

District Judge Samuel L. Carpenter and Attorneys Bell and John A. Rush were later served with notices to appear before the Supreme Court to-morrow morning at 10 o'clock, the former to show cause why the mandamus he issued against the State Canvassing Board should not be dissolved, and the latter two to answer for contempt of court in not obeying the order of the court issued at the beginning of election suits, directing all courts and members of the bar to cease involving the election cases by proceedings in lower courts.

The Supreme Court, after hearing arguments on Mr. Adams' petition, announced that it would render a decision to-morrow at 2 p. m.

HEAVY SEAS WRECK AN UNKNOWN STEAMER.

Norfolk, Va., Dec. 28.—Battered by heavy seas that have been lashed to fury by a forty-mile gale, an unknown steamer is helpless on the inner Diamond Shoals, eight miles off Cape Hatteras. The crew of the wrecked craft cannot be saved until wind and sea have calmed sufficiently to allow the surfboats to be launched.

FOUR MEN KILLED BY EXPLOSION OF BOILERS.

Chehalis, Wash., Dec. 28.—Four men were killed and one was injured to-day by an explosion of four boilers at the sawmill plant of Walworth & Neville, at Wallville, Wash. Among the dead is R. H. Hicks, thirty-two years old, who has relatives in West Virginia.

Similar To Bubonic Plague.

St. Petersburg, Dec. 28.—It is officially announced that a disease, the characteristics of which are similar to bubonic plague, has appeared among the Kirghize Cossacks in two settlements of the Ural territory, resulting in 190 deaths between November 24 and December 26. The localities have been declared to be infected with the plague.

## NO BIG SHIPMENT

### OF COAL FROM PITTSBURGH YESTERDAY BECAUSE OF THE HIGH WINDS.

RIVER CONTINUES TO RISE

And It Is Expected That About 2,000,000 Bushels Will Be Started South To-day.

Pittsburgh, Pa., Dec. 28.—(Special.)—With the Ohio river at a stage sufficient to ship coal boats, the sailing of 2,000,000 bushels of coal was unexpected, in the shape of unusually high winds, happened, and as a result no large shipments of coal were made to-day. The stage will continue to-morrow, and should the wind abate about 2,000,000 bushels of coal will go under way for the Southern ports. It was announced to-day at the office of Monongahela Consolidated Coal and Coke Company that hereafter no boats will be run straight through from here to New Orleans. There is a strong probability that the big Sprague will not get out of the harbor on the present rise. This monster craft, while able to take advantage of twelve feet of water, can hardly be sent out safely on less than fifteen feet, and this height is not expected.

The river coal company is now depending on four of its largest towboats to run the big shipment, and these four will get away from the river tomorrow with a total of 1,700,000 bushels of coal. The boats and their tows are: Joseph B. Williams, 13 coal boats, with 450,000 bushels; Josh Cook, 17 coal boats, with 425,000 bushels; John A. Wood, 18 coal boats, with 450,000 bushels; Jim Wood, 17 coal boats, with 425,000 bushels. The Clyde of the Clyde Coal Company, will also start South with seventeen barges, and will leave the river to-morrow.

The gale struck Pittsburgh early this morning, and everything got under way with tow. The cold weather is having no effect on the rivers, and the water continues to rise at about one foot per hour. Reports from up the Allegheny and Monongahela rivers show that a stage of water of ten to twelve feet can be counted on for to-morrow. No empties have so far reached the harbor, although some have started on their way up from down river points. The shippers are so busy getting out the coal that it is extremely doubtful if they will be able to get away before next Tuesday or Wednesday.

During the afternoon the Volunteer, Enterprise and Clifton got away with tow. The cold weather is having no effect on the rivers, and the water continues to rise at about one foot per hour. Reports from up the Allegheny and Monongahela rivers show that a stage of water of ten to twelve feet can be counted on for to-morrow. No empties have so far reached the harbor, although some have started on their way up from down river points. The shippers are so busy getting out the coal that it is extremely doubtful if they will be able to get away before next Tuesday or Wednesday.

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## COURTS

## Should Decide Question of Railroad Rebates.

## OPINION OF SENATOR ELKINS.

## SAYS COMMERCE COMMISSION IS NOT PROPER TRIBUNAL.

## ADMIRAL TERRY IS RETIRED.

Washington, Dec. 28.—[Special.]—Senator Elkins, chairman of the Interstate Commerce Committee, is working on a bill meant to carry out the views of the President on the railroad rebate question. In conversation to-day, however, he advanced the idea that a Circuit Court of the United States should handle the subject. "For several reasons," said he, "I think the Interstate Commerce Commission is not the proper tribunal for the fixing of rates by this method. It should be done in a Circuit Court of the United States, and that court should be presided over by a justice of high character, who ought to receive a salary of \$10,000, \$12,000 or \$15,000 a year. Such a Judge would, of course, be appointed for life, and would be independent of the changes that might come in the administration of the Government. He could devote his entire thought to the questions that would come to his attention.

"Just think what might happen if these powers were placed in a commission, the members of which would be subject to reappointment by the President with limited terms. Such a proposition would not meet the approval of conservative men.

"But even with this power to declare what rates are excessive lodged in a Circuit Court of the United States, we would still have to make the necessary provisions for the effectual abolition of the rebate. The fixing of a rate will not prevent the rebate at its source, for I am endeavoring to go over so fully that I may be able to draw a bill that will be satisfactory to meet the ends desired.

## Admiral Terry On Retired List.

Rear Admiral Silas Wright Terry, a native of Trigg county, Kentucky, and an officer with distinguished record in both the Civil and Spanish wars, was placed on the retired list for age to-day. Admiral Terry had a naval service of sixteen years and seven months. He was appointed a midshipman from Kentucky in 1853, attaining his present rank four years ago. He was present at the fall of Richmond. He rescued the crew of the bark Trinity on Heard Island in 1881 and saved them from starvation. While on his way to Heard Island Rear Admiral Terry stopped at Cape Horn and rendered assistance to the English ship Peacock, which was stranded on the beach about ten miles northeast of the point. For this Rear Admiral Terry received the thanks of the Colonial and English Governments.

In 1884 he was appointed a member of the Naval Examining and Retiring Board, being on that duty until 1893. He commanded the USS Albatross from 1893 to 1895 and was present under the command of Rear Admiral Benham during the insurrection in Rio. During the Spanish-American War he commanded the receiving ship Franklin and in September, 1898, he was assigned to the command of the battleship Iowa.

## Desires To Succeed Hammond.

Representative Sims, of Tennessee, called at the White House to-day and presented the name of Sam W. Hawkins, of Huntington, for the vacant judgeship in the Eastern District of Tennessee to succeed the late Judge Hammond. Mr. Sims did this as a matter of courtesy to Mr. Hawkins, who lives in his district. Senator McHenry favors the appointment of Judge Sweeney, of Paris.

## Another Rural Route.

Rural free delivery route, No. 1, will be established February 1 at Hinton, Scott county, serving 425 people and ninety-four houses.

## National Bank For West Liberty.

The application of W. D. Archibald, Finley F. Fogg, C. W. Womack, Emma C. Saylor and W. O. Blair to organize the National Bank of West Liberty, Ky., with \$25,000 capital, has been approved by the Controller of the Currency.

## ARBITRATION TREATIES

## Not Taken Up By Senate Committee On Foreign Relations.

Washington, Dec. 28.—The Senate Committee on Foreign Relations has not yet taken up the several arbitration treaties negotiated last autumn and sent to the Senate before the holiday recess. It is expected that meeting of the committee will be held next week and that these treaties will be favorably received.

## Several Southern Senators who have been examining them have raised the question as to when canal legislation has been considered the various questions relating to the government of the canal zone. A bill for this purpose passed the Senate last session, but was rejected by the House, and a measure finally was agreed on packing the whole government of the zone in the power of the President until the end of the present session of Congress. Before the close of this Congress it will be necessary to renew that power for a term of years, or to enact a new law. It is expected that Representative Mann, of Illinois, will introduce a bill relating to the canal Government soon after Congress reconvenes.

## Minister Ad Interim.

Washington, Dec. 28.—Alfred De M.

Gomez Ferreira, the Charge d' Affaires of Brazil, called at the White House to-day to inform the President that he had been appointed Minister ad Interim of Brazil to the United States. The Brazilian Minister is absent on an extended leave. The President gave Mr. Ferreira a cordial greeting, expressing his pleasure in his appointment.

## Fifty Years In Foreign Service.

Washington, Dec. 28.—Count Cassini, the Russian Ambassador, to-day celebrated the fiftieth anniversary of his entry into the Russian foreign service. The Ambassador has recovered from his recent illness and was able to receive at a reception at the Embassy this afternoon.

## SAYS HE IS CONNECTED WITH FOREIGN OFFICE.

Perry Mason Arrested In Chicago Charged With Being Diamond Thief and Confidence Man.

Chicago, Dec. 28.—Perry Mason, who declares that he is connected with the Foreign office at London, was arrested here to-day charged with being a diamond thief and a confidence man. Mason, who is known as "Rudolph Greer," is well educated and of good appearance. Mason vigorously protests his innocence and declares that a grave mistake has been made.

"I am in the United States to secure data for a series of articles on the labor conditions in the United States," said Mason to-night, "and when the Government officials at London hear of this outrage, those who were responsible for my arrest will be made to smart for it."

Mason was arrested on complaint of officials of the National Commercial Travelers' Association, who were holding a convention in the same hall as the Commercial Travelers' Association. Mason entered the place and asked for a stenographer. When one was sent to him, he asked that the stenographer be a woman, and he was given one. When the stenographer began to write, Mason said that as soon as he can cable to London, the British Government will secure his release. When the stenographer was asked by the police officials that Mason admitted that he had been arrested in New Jersey twelve years ago upon a minor charge.

## A RAILROAD MAN DIES OF INJURIES.

John G. Hartigan, of Little Rock, Was Struck By a Train In Chicago.

Chicago, Dec. 28.—John G. Hartigan, of Little Rock, Ark., superintendent of the St. Louis, Iron Mountain and Southern Railway at St. Louis, was killed here to-day when struck by a train at the Illinois Central railroad station. Hartigan was struck by a train at the Illinois Central railroad station. Hartigan was struck by a train at the Illinois Central railroad station. Hartigan was struck by a train at the Illinois Central railroad station.

## NEW YORK REPUBLICAN LEADERS IN CONFERENCE

Consider the Senatorial Situation, But Result of Deliberations Is Not Made Known.

New York, Dec. 28.—Odel, former Governor of New York, and many other prominent New York Republicans were in conference here to-day, but up to a late hour to-night no result of the conference was thrown any light on the senatorial situation were made public. It was expected that Gov. Odell would make some announcement as to whether he will support former Gov. Frank S. Black to succeed Charles M. Depew in the United States Senate, but Gov. Odell failed to say anything for publication about his position. The conference continued all day and continued far into the night.

## COTTON BUYER WHO LOST HEAVILY TAKES HIS LIFE.

Barnesville, Ga., Dec. 28.—J. B. Harrison, a prominent cotton buyer, fatally shot himself at 4 o'clock to-day in his room at the Magnolia hotel, the ball entering just above the right ear and lodging in the brain. He is believed to have committed suicide. He was a cotton buyer and had been in the city for some time.

## TWO DEATHS IN KANSAS.

Kansas City, Mo., Dec. 28.—The lowest temperature registered here during the last twenty-four hours was 1 degree above zero. To-day and to-night it is moderating.

## Two Deaths In Kansas.

Two deaths are known to have resulted from the recent blizzard.

## Eight Above At Indianapolis.

Indianapolis, Ind., Dec. 28.—At noon to-day the mercury stood at 8 above zero, and the wind was blowing from the north at a velocity of twenty-four miles an hour. Telegraph and telephone companies have been seriously crippled by the falling snow.

## Sixty-Mile Wind At Buffalo.

Buffalo, N. Y., Dec. 28.—A blizzard raged here to-day. The snow fell in heavy showers and the wind reached a velocity of sixty miles an hour. The weather was bitterly cold.

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## TRAINS

## Delayed As a Result of Storm Conditions.

## EXTREMELY COLD WEATHER.

## AT ST. PAUL IT WAS TEN DEGREES BELOW ZERO.

## HEAVY SNOWS IN NORTHWEST.

Chicago, Dec. 28.—As a result of storm conditions, trains on nearly every railroad entering Chicago were from one to four hours behind schedule to-day. Great difficulty was experienced by railroad officials in securing telegraphic reports of the movement of trains.

Wires were down in many places. Points in the Northwestern States could be reached only by circuitous routes. The mail service of the entire Middle West is in bad condition. Transfer connections with a number of outbound trains were missed. Railway mail officials are hopeful, however, that schedules will be resumed shortly. There are no reports of heavy snow except in the Northwest.

## Lost In Storm and Wrecked.

Marshalltown, Ia., Dec. 28.—A Chicago Great Western freight train, lost in the storm, was wrecked two miles south of Melbourne, causing injuries to six train and section men. The most seriously hurt was Engineer A. H. Donnell, of Des Moines, and a section man named William Rogers, of Melbourne. Section man Doker was buried under snow and coal for two hours before he was rescued. He was pinned down by a piece of timber driven through the cab of his leg. A wrecking train sent from Des Moines was stuck in a snow drift two miles distant and was unable to assist.

## Traffic At A Standstill.

Marshalltown, Ia., Dec. 28.—Traffic on two roads out of this city, the Iowa Central and the Chicago Great Western, was at a standstill to-day. No trains have been handled on either line since yesterday morning. The only trains moving are those from the East on the Northwestern. The Iowa Central is unable to get trains South of Hampton or North of Seaboard. The Northwestern is unable to get trains East than Ames. On the Great Western there is a drift at Patoka and a thousand feet deep.

## Fierce Gale Over Northern Ohio.

Cleveland, O., Dec. 28.—Within a little more than twelve hours the official thermometer at the Weather Bureau in this city has fallen 50 degrees, or from 12 below to 38 below zero. It is estimated that a much lower mark will be reached before the present cold wave passes. The wind reached a velocity of 50 miles an hour and was accompanied by a fine, driving snow.

## Milder In The Northwest.

St. Paul, Dec. 28.—Although it is 10 below zero and clear in St. Paul and Minneapolis, the weather is milder in the Northwest. In the Northwest, the weather is milder. In the Northwest, the weather is milder. In the Northwest, the weather is milder.

## Ice Forming On Kentucky River.

St. Sterling, Ky., Dec. 28.—[Special.]—To-day was the coldest of the winter, the thermometer falling 40 degrees in twenty-four hours. There was a blinding snowstorm at intervals to-night, the temperature dropping and snow weather is predicted by morning. Ice is forming on Kentucky river and some bridges are threatened. It is feared the river does not gorge there will be a tide in a few days.

## Subsides In Michigan.

Marquette, Mich., Dec. 28.—Not for years has a more severe blizzard hit Northern Michigan in its grasp than the storm which descended here to-day, but she and her husband bought a small place and lived by farming. He died several years ago and she has since made a living for herself and child, but she said she felt in her declining years that her husband would be with her and kind. She begged to be sent to her father's home. He is still living in Milburn.

## Several Addresses Made.

This was the second day's meeting of the Kentucky State County Teachers' Association here. Among those who spoke were Kirk Smith, Dr. H. C. Timney on "The Health of the People" and C. M. Merry, G. G. Smith, W. H. Clarke. Among the visitors was Dr. J. H. Penick, who delivered an address to the teachers.

## News In Brief.

As yet there are but two applicants here for teachers in the Philippines, they being Miss Mary E. Clarke and the veteran Miss Mary E. Clarke. The French mission, the recalling of the military mission, the French Consul here and the French Consul here and the French Consul here.

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## MISSING

## From His Lexington Home Is Curtis Jones.

## FOUL PLAY IS SUSPECTED.

## HE WAS MEMBER OF STATE GEOLOGICAL SURVEY.

## HAD CONSIDERABLE MONEY.

Lexington, Ky., Dec. 28.—[Special.]—Curtis Jones, a member of the State Geological Survey, has been missing from his home since Monday morning and his wife to-night appealed to the police and detective departments to assist in a search for him. He left the house Monday morning in answer to a telephone message and told his wife he had been summoned to the State College, and since that time nothing has been seen or heard of him. He did not go to the college and no message was sent to him from the office of the Geological Survey, and his wife believes he was working as a ruse to get him away from home. Mrs. Jones said her husband had considerable money in his pocket and she believes he has been a victim of foul play.

## Drowning Is Suspected.

No trace has been found of Miss Ada Bagshaw, who left the home of her brother, Mr. Bagshaw, in Lexington, Ky., on Monday morning. She is believed to have been drowned in a river. She was last seen on Monday morning when she was seen in a boat on the river. She was last seen on Monday morning when she was seen in a boat on the river.

## Medal Buried With Him.

James Dorgan was buried in the Lexington cemetery on Monday. He was an inmate of the Soldiers' Home at Dayton, Ohio, and had come here to spend the Christmas holidays with a daughter residing on the Bryan Station. Seven years ago a package was received from him, containing a medal which he had won in the Spanish war. The medal was buried with him. He was a member of the Grand Army of the Republic, made from cannon captured by the United States in the Philippines. He was a member of the Grand Army of the Republic, made from cannon captured by the United States in the Philippines.

## Longed For Native Land.

An Indian woman with her nine-year-old boy was given transportation here to-day by the Associated Charities. The woman was a member of the "Big Moose" club and had come East to see her son. She was a member of the "Big Moose" club and had come East to see her son. She was a member of the "Big Moose" club and had come East to see her son.

## Burned To Death.

Bloomfield, Ind., Dec. 28.—Last night the home of Nathan O'Neill, five miles west of here, was burned to the ground and O'Neill and his daughter, two-year-old child, were killed. The origin of the fire is unknown.

## CRISIS REACHED IN MOROCCAN AFFAIRS.

Washington, Dec. 28.—Conditions in Morocco apparently entered on a critical stage, according to cable advice received at the State Department to-day from Hoffman Philip, the acting American Consul General at Tangier. After the French mission, the recalling of the military mission, the French Consul here and the French Consul here.

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## SPIRITED

## Clash Between Attorneys Of Kondrachenko Is Confirmed By Late Advice.

## OVER SEWARD'S EVIDENCE.

## DR. GILLESPIE TESTIFIED AS TO ILL FEELING IN FAMILY.

## PUT BLAME ON ELIZABETH.

Rising Sun, Ind., Dec. 28.—There was increased attendance at the Gillespie murder trial to-day, notwithstanding the intense cold. It was expected that the defendant, James Gillespie, or one of the others indicated, would go on the stand. Instead witnesses were brought forth to testify that Elizabeth Gillespie had suddenly stopped speaking to them without any apparent cause, and two footprints had been found the morning after the shooting at a fence near the alley in the rear of Elizabeth Gillespie's home.

There was a most spirited clash between opposing attorneys when Earl Seward, son of Judge Seward, was on the stand. He testified that the day before the shooting he and James Gillespie went hunting and Gillespie had fired his last cartridge. Witness put the guns away after they returned home. The night of the shooting he and Gillespie and Mrs. Seward had eaten supper early. He was down town when the shooting occurred. That night Gillespie went to bed about 11 o'clock. Dr. William Gillespie, brother of James Gillespie, told of the unfriendly attitude in the Gillespie family toward James Gillespie, and that she had treated them all harshly and that she had caused the shooting. Dr. Gillespie, asked that this evidence be stricken from the record, but Judge Cornett allowed it to remain.

## SENSATIONAL SUICIDE.

## Tatletton Thompson Takes His Life At Terre Haute.

Terre Haute, Ind., Dec. 28.—Tatletton Thompson, prominent in business, social and religious circles, committed suicide to-day by shooting himself in the head. He was a member of the coal company of which he was manager this morning. The suicide created a tremendous sensation owing to the man's prominence in the city. He was manager of the mining properties of J. Smith Talley, the millionaire mine owner, and also represented other capitalists in the mining business.

## Separated For Forty Years.

Lafayette, Ind., Dec. 28.—After forty years of separation, two brothers were reunited in this city to-day when John Storey, a prosperous business man, and his brother, George H. Storey, the brothers became separated in their boyhood days in New York City. They were reunited in this city to-day when John Storey, a prosperous business man, and his brother, George H. Storey, the brothers became separated in their boyhood days in New York City.

## Lost Life In Fire.

Richmond, Ind., Dec. 28.—A brick house occupied by a Jew with wife and Charles Droste was destroyed by fire this morning, and Raymond Droste, a young man, was killed. His body was found in the ruins. He was a member of the fire department. He was a member of the fire department. He was a member of the fire department.

## Burned To Death.

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## HEARSE

Is Fastened Between Two Trees On Roadside.

NECESSARY TO CUT PASSAGE.

AN INDIANA WOMAN SEEKS TREACHEROUS SHELTER.

ROOF LIFTED FROM SHED.

George Shradar, of the undertaking firm of Shradar Bros., New Albany, had a serious adventure while returning from a funeral near New Albany, Harrison county, sixteen miles west of New Albany, Tuesday.

The funeral was that of Mrs. Margaret Melton, who died in Parkland last Saturday night. After the body had been deposited in the grave Mr. Shradar started with the hearse for New Albany.

When only a short distance from the cemetery, the heavy windstorm which crossed Harrison county came up. Mr. Shradar was driving the hearse through a dense wood at the time the storm was the most violent. A large tree was blown across the road a short distance in front of the hearse, and before the men in charge recovered from their astonishment, another tree, which was standing in the rear, leaving them pocketed between the two trees, with the rain pouring down in torrents.

A woman driving a light buggy took refuge from the storm under a shed and while she was there the roof was lifted from the building and carried away, leaving the vehicle and driver standing in the downpour of rain unburied.

Clark-Pinnick. Mrs. Emma G. Clark, of New Albany, and the Rev. Dr. C. H. Pinnick, of Owensville, Ind., were married yesterday morning at the home of Mrs. Harry Hancock, the bride's daughter, 514 East Spring street. The ceremony, which was witnessed by a number of relatives and friends, was performed by the Rev. Dr. J. W. Turner, residing at the Evansville district, and the Rev. Dr. and Mrs. Pinnick left for Owensville for the wedding of the bride and groom. The bride is a daughter of a wealthy and influential Methodist church. The groom, who is a grandnephew, is about forty-five years old, while the bride is several years older. Their first meeting was when the Methodist conference was held in New Albany in September. They were mutually attracted and attracted to each other. The wedding was held in the wedding of yesterday morning.

NEW ALBANY NOTES.

New Albany subscribers not receiving the Courier-Journal are requested to promptly please return to McQuinn & Albright, City Newsstand Building, 111 East Spring street, Cincinnati, Ohio 318, V. Home 304 A.

Howard, the little son of Mr. and Mrs. Frank Scott, 23 West Seventh street, died yesterday morning of pneumonia, after a brief illness.

W. H. Roese, a former resident of this city, now practicing law in Corydon, has been appointed deputy coroner of Harrison county by John W. Ewing, the Harrison County Prosecutor.

Richard B. Heston, a postal clerk on the Western, formerly of Lafayette township, is visiting friends in this city. Several days ago he had been visiting at the home of his parents, and in consequence he has been given a thirty-day lay-off.

An agent for the Reform School for Boys at Randolph was in the city yesterday and returned to that institution last night, taking with him Eugene Ballard, an inmate of the school, who had been several weeks ago on ticket-of-leave, and had been released from the school.

The funeral of Mrs. Annie A. Cook, an old resident of the city, took place yesterday afternoon from the family residence, 10 West Main street. The services were conducted by the Rev. Charles P. Foreman, pastor of the First Presbyterian church, and the burial was in the city cemetery.

The official organ of the insurance companies of the country, in the list of values of single blocks in various cities in Indiana, placed the value of the city of Louisville at \$1,000,000, and the value of the city of New Albany at \$1,000,000.

Benjamin Stonecipher, of Fairmont, Neb., and Miss Mary Stonecipher, of Fairmont, Neb., were married yesterday morning at the home of the bride's parents, Mr. and Mrs. Stonecipher, of Fairmont, Neb. The ceremony was performed by the Rev. Mr. Morgan, of Fairmont, Neb.

The extremely cold weather of the last thirty-six hours has converted Glenwood lake, on the Kentucky river, into a solid mass of ice. The ice is as smooth as glass and furnishes a course for skaters nearly a mile long.

Thomas N. Farneside, trustee of Franklin township, living on the River road, eight miles west of the city, was on the alert at his barn yesterday morning, and in the afternoon he was on the alert at his barn yesterday morning, and in the afternoon he was on the alert at his barn yesterday morning.

The wharfboat of the Louisville and Evansville Packet Company, which has been lying in the river for some time, was put in order in preparation for the expected high water. The boat was put in order in preparation for the expected high water.

Shrimps, a better known as "Seven Up," a well known character about the city for the last forty years, has been found dead in the city. He was found dead in the city.

At the session of the Harrison County Court, Julian Miller, deputy Auditor of Floyd county, appeared before the court and asked that the court order the county to pay Floyd county money advanced on account of damages of value taken in new suits from Harrison county.

George Monier was assaulted a few nights ago at Palmyra, eighteen miles north of this city, on a road, by some unknown person, and was badly beaten with a brick. The man was standing in a crowd and none of those present could give any information as to the assailant. Monier was taken to the hospital and killed John True, and was acquitted at the subsequent trial, on proof of self-defense. Since then Monier has been with True's friends, and it is supposed that one of these was the attack.

THROWN FROM WAGON AND BADLY INJURED.

Herman A. Klug was seriously and possibly fatally injured yesterday morning at 4 o'clock by being thrown from his wagon on Story avenue. Mr. Klug is a soap manufacturer and lives at 1651 Story avenue. At the time of

the accident he was driving rapidly when one of the wheels caught in a frog of the street car tracks and he was pitched out of his seat. His wagon ran over him, bruising him badly. He was taken to his home and a physician called. The doctor said the head injured Mr. Klug seriously, and the doctor was unable to determine yesterday whether his patient would recover or not.

ALLEGED SAFE-BLOWER AND POST-OFFICE ROBBER.

Thomas Stewart Thought To Have Been Captured—Prisoner Denies His Identity.

George W. Sanders, a Deputy United States Marshal, came to Louisville yesterday with a man believed to be Thomas Stewart, better known as "Slippery Sam," a notorious safe-blower and post-office robber.

The man was taken in charge just as he was released from the branch penitentiary at Edinburg, where he had been confined for some time. It is alleged that Stewart and several other prisoners escaped from the Toledo jail in 1903, and blew up the structure with dynamite.

Investigation of the records showed the prisoner was sent to prison from Bowling Green for having burglarized tools in his possession. He gave the name at that time of Bill Burk, under which name he served the sentence. He was taken into the office of Marshal James yesterday morning, and a search was made of the records of the prison regarding the Ohio post-office robbery. The prisoner denied any knowledge of the robbery, and also denied that he is Stewart.

The prisoner was taken on to Cleveland by Deputy Marshal Stewart, and the question of identity will be thoroughly established.

MANY CHECKS Differ As To Trouble.

ALLEGED TO HAVE BEEN CASHED BY H. W. FRANKEL.

Chicago Man Who Came Here To Begin Practice of Law.

H. W. Frankel, who is said to be a son of S. Frankel, a business man of Chicago, is now badly wanted by the Louisville police. He is said to have been in the city for some time, and is alleged to have cashed several checks for him.

The case develops the fact that Frankel, who claimed he was an attorney, came to Louisville December 22, and he called at the office of Mr. Caldwell and said he was a young lawyer who desired to take up the practice of law in Louisville.

He had been in the city but a short time when he requested Mr. Caldwell to give him a check for \$125.00. He had been in the city but a short time when he requested Mr. Caldwell to give him a check for \$125.00.

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PISTOL Used On Motorman By Policeman.

FIGHT IN JEFFERSONVILLE BETWEEN PETER D. MADDEN AND RICHARD DUNLEVY.

TWO SHOTS STRIKE LATTER.

After a hand-to-hand fight that began in a car and ended on the sidewalk, Peter D. Madden, of the Jeffersonville Metropolitan Police Department, shot Richard Dunlevy, a motorman for the Louisville and Southern Indiana Traction Company, early yesterday morning.

It was some time later when the wounded man walked into the police station and reported to Sgt. Kendall that he had been wounded by a policeman who was, so Dunlevy said, drunk. This assertion is denied by Madden.

Dunlevy was then assisted to the office of the United Gas and Electric Company in Jeffersonville and Dr. D. C. Person, the surgeon for the traction company, was summoned. He found Dunlevy had been shot twice, once in the right arm and again in the back on the left side, the ball having been deflected toward the front of his body.

The bullet in the back was easily taken out, but the one in the arm was not located. Neither wound is considered necessarily fatal. Dunlevy was removed to the Deaconess Hospital.

Madden and Dunlevy each have their side of the trouble, and they differ in a good many points. Madden lived by 728 Meade street, while Dunlevy's home is on Seventh street, between Mechanic and Fulton. Each claims there was no trouble between them on Tuesday night. The disagreement arose then over Dunlevy not stopping at Eighth street, where he was supposed to have been in the habit of boarding the car to go to his work at 5:30 o'clock in the evening. Tuesday evening, so Madden says, he was on duty at the corner when he saw Dunlevy get into a car and he did not see Madden until it was too late for him to stop.

Madden says he explained this to Madden in a good-humored way and did not suppose there would be any trouble. Dunlevy, on the other hand, said he signed he would like to take a hunt on Wednesday and asked Sgt. Kendall for a leave of absence for the day. This was granted and he was also told he could go home at midnight to get a few hours' sleep. Between 11 and 12 o'clock he lay on his back, and was walking to Spring street and Court avenue, a few feet away, boarded a car going toward the river, exactly the opposite direction from his home.

Doing this Madden got on the front end, which was closed on account of Dunlevy's car. Madden told him to get out of the car, and he was also told to get out of the car, and he was also told to get out of the car.

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tion. Michael Madden, of Louisville, is also a brother. Madden Suspended.

The Police Commissioners suspended Officer Madden until a formal complaint can be given by the city. Madden was charged with shooting with intent to kill he was arrested before Madden was taken to the police station, and held under \$500 bond for his appearance next Wednesday for a preliminary hearing. The County Treasurer, Bernard A. Coll, becoming his surety, Madden has retained J. W. Fortune to represent him. Madden will look after the interests of the traction company, that corporation being determined to defend the action of Dunlevy.

JOHN BURNS, AGED EIGHTY, Qualifies To Administer Two Estates.

In Jeffersonville yesterday John Burns, nearly eighty years old, qualified as administrator of the estate of his wife, Anna Burns, by giving bond in the sum of \$10,000, with Ed M. Lindsay and Thomas F. O'Neil as sureties. At the same time he qualified as administrator of the estate of his first husband, John Burns, by giving bond in the sum of \$10,000, with Ed M. Lindsay and Thomas F. O'Neil as sureties.

The action grows out of a will that was probated on November 26, that had been executed more than thirty years ago. The will was filed for record. Its existence was known to but few.

In the presence of Jonas G. Howard and William H. Howard, Martin Kelly signed the will on March 14, 1867, and in this he gave his wife one-third of the real estate which he owned at the time he died. The will was filed for record. Its existence was known to but few.

Mrs. Burns died a few months ago, leaving besides her husband, one son, Michael Kelly, and a daughter, Katherine McDonald. It being the belief that neither of the latter knew of the will, Burns brought suit against his children to have the will declared null and void, and a new will made.

Low Temperature General. The temperature fell from twenty to fifty degrees in the Ohio and Mississippi valleys, and in the region and in some of the Southern States, but is beginning to rise again in some of the West.

Jeffersonville Notes. Charles E. Cooley and wife yesterday conveyed to Tillie Depph one-fourth of an acre of land located in Section No. 5 of Township 10 N., Range 10 E., Meridian 10 W.

Bids will be opened at the Government depot tomorrow for 500 box lockers for the use of the Government.

The Fire Department was called to the home of Mrs. B. C. Watts, Pearl street, near Chestnut, yesterday afternoon, where a fire had broken out from a defective fuse.

Additional rural service routes No. 2 will be established in the Jeffersonville county, February 1. The area to be covered is fifteen square miles and the population is about 1,000.

The Clark County Medical Society at a called meeting adopted resolutions on the subject of the examination of applicants for the license to practice medicine.

The suspension of John W. Timmons, who had been chief engineer at the Government depot, was yesterday appealed to the War Department, and a number of complications are expected to arise.

In the divorce action of Luella Journal against Lawrence Journal proof of service was made yesterday, and the defendant was called to his absence.

The Pennsylvania depot at South Street, during the last of the winter, was undergoing treatment for brain trouble. Tuesday night, she was seventy-three years old, and was in the hospital.

Mrs. S. J. Mannakee, of Louisville, died at a local hospital yesterday afternoon, after a long illness.

Major Hunt yesterday afternoon found a number of men in the city who were undergoing treatment for brain trouble. Tuesday night, she was seventy-three years old, and was in the hospital.

The petition to have Felix Bochar removed as administrator of the estate of John W. Timmons was granted yesterday.

Half frozen, William Hawkins was found in an intoxicated condition at the corner of Third and Main streets, Tuesday night, and was taken to jail.

The Louisville and Jeffersonville Traction Company yesterday received a letter from the Chicago Express, which should have reached the city at 6:24 a. m., but did not get in until nearly 10 o'clock.

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"COLDER." Weather Forecast For To-day Not Pleasant.

SIX DEGREES ABOVE ZERO.

MINIMUM OF SEASON EXPECTED BY THE BUREAU.

Trains Delayed by Storm. SHOOT DOWN JAMES NEAL.

Colder still and clear is the forecast for to-day, and the season's record for cold weather will be broken this morning. Maj. H. B. Hersey expects the thermometer to drop as low as six degrees above zero this morning, and there is a possibility that it may go even lower. The furries of snow will probably not continue, but the stiff winds which were blowing from the atmosphere to the bones will still howl around the corner of the big buildings and make walking uncomfortable.

The Northwest is in the grasp of the cold, and the weather is expected to be even lower. The furries of snow will probably not continue, but the stiff winds which were blowing from the atmosphere to the bones will still howl around the corner of the big buildings and make walking uncomfortable.

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The Northwest is in the grasp of the cold, and the weather is expected



## A POOR RIDE BY JOCKEY MUNROE

Turfmen Do Not Think  
The Boy Tried With  
Joe Lesser.

STEWARDS TO INVESTIGATE.

Luralighter, the Favorite, Wins the  
Handicap From Extol In a  
Mile Drive.

OLIPHANT TO RIDE AGAIN.

NEW ORLEANS, Dec. 28.—(Special.)—If Jockey Munroe did not "take" the top-heavy favorite, Joe Lesser, in today's closing race at the Fair Grounds then it may be set down either that appearances are sometimes very deceptive or that there is no such thing as "snatching".

Some who were watching Munroe's work did not mind words, but declared in loudly plain terms that Lesser was deliberately "pulled." The old Whitney gelding was in with a bunch that were not in track parlance worth \$30 apiece, and as he had been from the best horses in his previous start by fifteen lengths he looked like a 1 to 10 chance.

The books, however, opened him at 2 to 1, and at that time there was plenty of 2 to 1 to be had. Those who took the short price expected to see the gelding run away from the others, but after going in the air at the start he never had a chance to get to the front. It looked as if he could do so at the far turn, but was not given his head.

It was in the head that Munroe's career was made in evidence. Any one who was watching could see that he was holding the reins by one hand and the other hanging loose, and at the same time was apparently riding vigorously. An out-and-out rider would not have been a more effective method of getting the Patterson gelding beaten.

The Patterson gelding was not the only one who was not given his head. Luralighter, with Romanelle up instead of Stille, who had not entirely recovered from the effects of his recent fall, was the only successful favorite.

Lady Fosse, made it very strongly by easily taking the mile and a quarter dash with as good as a 5 to 2 against Jockey Oliphant, who has been kept on the ground because of forfeits outstanding against his record to Empress Sider. He will be allowed to ride from now on.

First Race—Seven-eighths mile, made-money: Luralighter, 10; Romanelle, 10; Extol, 10; (S. Dickson), 5 to 1; Rankin, 10; (J. McIntyre), 5 to 1; Time, 1:24.5. Second Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45. Third Race—Five furlongs: Queen, 10; (Gannon), 5 to 1; Bell, 10; (H. Phillips), 5 to 1; Time, 1:10.45. Fourth Race—Handicap: one and one-sixteenth miles: Luralighter, 10; Romanelle, 10; Extol, 10; (S. Dickson), 5 to 1; Rankin, 10; (J. McIntyre), 5 to 1; Time, 1:24.5. Fifth Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45. Sixth Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45.

NEW ORLEANS ENTRIES.

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JOCKEY DAVIS IN FORM.

Rides Winners of the First Four Races At the Oakland Track.

San Francisco, Dec. 28.—Jockey Davis won the first four races at Oakland today and was second in the remaining two. Four favorites won. Silverstreak, the favorite in the second race, would have been the favorite in the third race, but he was broken before the race. Jockey Davis's leg was broken. Summaries:

First Race—Thirteen-sixteenths of a mile, selling: Jockey Davis, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 1:24.5. Second Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45. Third Race—Five furlongs: Queen, 10; (Gannon), 5 to 1; Bell, 10; (H. Phillips), 5 to 1; Time, 1:10.45. Fourth Race—Handicap: one and one-sixteenth miles: Luralighter, 10; Romanelle, 10; Extol, 10; (S. Dickson), 5 to 1; Rankin, 10; (J. McIntyre), 5 to 1; Time, 1:24.5. Fifth Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45. Sixth Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45.

OAKLAND ENTRIES.

First race—Five-eighths mile, selling: Helias, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 1:24.5. Second Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45. Third Race—Five furlongs: Queen, 10; (Gannon), 5 to 1; Bell, 10; (H. Phillips), 5 to 1; Time, 1:10.45. Fourth Race—Handicap: one and one-sixteenth miles: Luralighter, 10; Romanelle, 10; Extol, 10; (S. Dickson), 5 to 1; Rankin, 10; (J. McIntyre), 5 to 1; Time, 1:24.5. Fifth Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45. Sixth Race—One mile and one-quarter: Lady Fosse, 10; (H. Phillips), 11 to 5; Swiftwing, 10; (H. Phillips), 11 to 5; Time, 2:10.45.

Pennsylvania In the Lead.

New York, Dec. 28.—At the conclusion of the first round of the sixth annual tournament of the triangular college chess league, contested at the rooms of the German Chess Club to-day, the representatives of Pennsylvania led with a total number of 15 points to their credit. Brown was second with 1 point, while the other teams were all at zero. The game was played in the gymnasium of the Pennsylvania State University, where the visitors were guests at the Mittens Ball, given by the visiting society ladies as a year-end event.

SCOTT HUDSON SELLS  
NERVOLO FOR \$16,000.

AN FRANCISCO, Dec. 28.—The racing colt Nervolo (2944), has been sold by Scott Hudson to W. B. Lockwood, of Sharon, Mass. The price is said to have been \$16,000.

Warner a Good Man.

Warner has the reputation of being one of the best catchers in the business today, though he is not a sensational player, and he fails to break into print more often than that account. That McGraw thought well of him is proven by the fact that he caught him in eighty-six games last season, despite Bowerman being considered one of the greatest catchers in the business to-day. Warner's record last season was 100 games, 100 catches, 100 errors, and 100 runs. He is a good man, and he is a good catcher.

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## JOHNSON AGREES TO KNOCK HART OUT.

THE AMERICAN ASSOCIATION  
MAGNATES WANT TO WAIT  
ON OTHER GATHERINGS.

LENNON GOING TO THE COAST.

Haveron, of Milwaukee, Tells Who  
Managers of the Association  
Teams Will Be.

OTHER GOSSIP OF THE GAME.

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## MISTAKE

IN METHOD OF SELECTING  
BOARD OF INQUIRY

MAY POSTPONE THE HEARING.

BISHOP TUTTLE OVERLOOKED  
CHANGE IN CANONS.

CALL TO MEET JANUARY 10.

MISTAKE IN METHOD OF SELECTING BOARD OF INQUIRY.

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## W. H. McKnight, Sons & Co.,

Fourth and Walnut.  
INCORPORATED.

Carpets, Furniture.  
JANUARY CLEARANCE SALE  
COMMENCES TUESDAY.

Carpets, Rugs, Linoleum, Matting, Furniture, Lace  
Curtains, Draperies at Great Reductions.

YOU CAN FIGURE  
On getting the best Coal in the market when you order the  
STRAIGHT CREEK  
No dirt; no slate; no slack; no clinker; few ashes.  
25 bushels.....\$3.25. 100 bushels.....\$13.00.  
SCANLON COAL CO.,  
Both Phones 405. 9th and Ky. 1st and P.

ARRESTED AGAIN.  
MISS SANDERFER PREVENTED  
FROM BECOMING MARRIED.

Former Employer Accuses Her of  
Grand Larceny.

Charged with grand larceny, Carrie Allen Sanderfer, the young girl who was released from jail Tuesday night to be married, was arrested by Detectives Moran and Ahern at her home, 333 East Chestnut street, yesterday afternoon as she was making preliminary preparations for her wedding. The charge was brought by Mrs. Sam Wolf, 317 First street, for whom the young woman worked when she left her home several weeks ago after a quarrel with her stepmother. Mrs. Wolf claims she took a large quantity of clothing from her home when she quit.

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## Dress Suits and Tuxedos

Full-dress suits, of conventional style; faultless in fit; coats lined and faced with silk; vests with silk backs; trousers to conform—at \$18, \$25, \$32 and \$40.

Tuxedo suits at \$15; finer ones at \$19 and \$25 for the coat and vest, with trousers at \$5 to \$7.50.

Boys' Tuxedo suits, with short trousers, at \$12.50 and \$15.00; youths' at \$15 and \$18.00.

## LEVY'S Third and Market.

## Courier-Journal.

THURSDAY, DECEMBER 29, 1904

### CITY FEATURES.

#### Ladies.

Start the New Year right by having one of my celebrated BLUE RIBBON COOK BOOKS, containing recipes for everything good. Only to be bought at BENEDICT & CO.'S, 812 Fourth avenue.

## FORCE WHISKY

### ON FIVE-YEAR-OLD CHILD UNTIL DEATH COMES.

Negro Couple Adopt Repulsive Method of Amusing Themselves.

Overdosed with liquor with which his father and mother had piled him, a negro boy five years of age died at his home on the farm of Judge Joseph Pryor, near Bashaw's Station, early yesterday morning. Despite the child's age, Coroner Harris Kelly, who held an inquest into the death, announced that it was caused by alcoholism. The child had been unconscious for ten hours before his death.

According to the evidence collected by Coroner Kelly, the mother and stepfather of the child, who are named Thurston, filled the boy with a mixture of whisky and wine, which Thurston had secured as a Christmas gift. The two older negroes began a post-Christmas celebration early Tuesday morning, and during their festivities the greater part of the contents of the two jugs, containing whisky and wine respectively, were consumed. Finally becoming too drunk to imbibe any more liquor, the negroes began plying the child with both drinks, never stopping until he was unconscious. The child became violently ill, but the negroes only laughed at his predicament and did not call a physician. Mrs. Pryor, who committed the child to the custody of Judge Joseph Pryor, learned of the condition of the boy and went to his aid. She remained with him during the entire night, but was unable to afford any relief and the child died shortly after midnight.

Coroner Kelly announced yesterday afternoon that he would not attempt to prosecute the negroes, as they are perfectly ignorant and do not realize that they have committed a crime. Judge Pryor is indignant over the deed and is thinking seriously of prosecuting the couple.

## DENTISTS HERE

### FROM ALL SECTIONS TO ATTEND INSTITUTE'S SESSIONS.

Smoker Last Evening Much Enjoyed—Banquet Comes To-night.

The Institute of Dental Pedagogy was called to order yesterday morning at the Galt House for its twelfth annual meeting, with an attendance of over thirty professors from all the leading dental colleges in the United States and Canada. Judge Alex. P. Humphrey made the opening address, which was responded to by Dr. Wilbur F. Litch, of Philadelphia.

After the address of welcome, the president of the society, Dr. H. B. Tuleston, delivered his address upon the "Preliminary Requirements of the Curriculum." The day was spent with the reading and discussion of the papers of Drs. D. M. Cottell and J. D. Patterson upon the subjects "Museum and Recreations," respectively.

The programme in its entirety is an excellent one and will consume the whole time of the three days of the meeting, all the subjects for discussion being of interest to the dental profession.

A smoker was given last night at the Galt House by the members of the City's Dental Club. The election of officers will not be held until tomorrow afternoon, after all the other business of the meeting has been disposed of.

This evening at 8 o'clock the members will meet at a banquet in the Galt House dining-room.

FEW APPLICATIONS FOR FREE COAL BY POOR.

City Has None On Hand Now, But General Council May Authorize Purchase Next Week.

Few requests for free coal have been made at the Mayor's office during the present winter, and even yesterday, when the thermometer was down below the tube, only three or four persons came with requests for the free fuel. The weather has been mild during the winter and the city has not provided any free coal thus far this year. The city has adopted the policy of giving away coal only when the weather is very cold.

At the meeting of the General Council next Tuesday night a resolution will probably be introduced by Humphrey Knecht, authorizing the Mayor to purchase 20,000 bushels of coal for distribution among the poor of the city, but this will not be given out unless the weather continues to be as cold as it was yesterday. Whenever the city begins the distribution of coal there is a big rush and the amount appropriated does not last longer than a few days.

## BACK TAXES

### Sought Against Warehouse On Storage Account.

### REVENUE AGENT BRINGS SUIT.

JOHN GEYWITZ COMPROMISES CLAIMS FOR WIFE'S AFFECTIONS.

NOAH SANDERS IS INSANE.

A. M. Harrison, revenue agent of the State-at-large, filed fourteen suits in the County Court yesterday against warehouse owners and operators of the Fifth revenue district, demanding that they pay back taxes on outstanding accounts for the storage of whisky and other personality. Following are the warehousemen sued and their alleged approximate omitted valuations: James Walker, Jr., five years, \$20,000; R. E. Walker & Co., three years, \$15,000; Rosenfield Bros. & Co., five years, \$50,000; Stitzel Bros. and Philip Stitzel, five years, \$30,000; Max Schiller, five years, \$10,000; White Mills Distillery Company and S. A. Hoffmeister, five years, \$12,000; Bernheim Distillery Company and M. W. Bernheim, five years, \$14,000; Old Kentucky Distillery and D. Meschendorf, five years, \$10,000; No. 1 Distillery and George T. Brannan, four years, \$25,000; C. Stege, five years, \$25,000; Louisville Public Warehouse Company, four years, \$10,000; Rugby Distillery Company and E. M. Babbitt, five years, \$10,000; Louisville Distillery Company and S. L. Hoffman, five years, \$3,000; Bonnie Bros. and W. O. Bonnie, five years, \$22,000.

Noah Sanders Declared Insane.

"Uncle" Noah Sanders, the aged colored janitor who for more than twenty years was in the service of the Polytechnic Library, and Public Library, was yesterday adjudged insane in the County Court, and committed to Central Asylum. Until three weeks ago he was constantly about the library. It appears that his health failed suddenly and he could not be found several days. He was finally located in a room on Green street, near First, and removed to the University Hospital. He had been there for ten days and during moments of violence has broken several pieces of furniture and a number of window panes. Col. Bennett H. Young, who has known Sanders for a number of years, testified that the negro has been a faithful servant and that the library will have a hard time finding anyone as capable of filling the position. His wife left him not long ago and he has no other voice. Sanders has a piece of property on Madison street, between Fifteenth and Sixteenth, for which he paid \$1,200.

Compromises Alienation Suit.

The \$10,000 damage suit brought by John J. Geywitz against Louis Reisinger, for \$14,750, filed at Twenty-third and Madison streets on the charge of alienating his wife's affections, has been dismissed as settled, though the terms of settlement were not published. Geywitz claimed that Reisinger on December 3, ran away with his wife to Central Asylum and there for some days. Upon their return to the city the suit was brought. Geywitz is a foreman in the employ of the Louisville Light and Power Company. His wife sued him for divorce last June, charging cruelty, but later the action was withdrawn on account of a reconciliation.

Court Paragraphs.

Joseph A. Fertig sued Irvington Earl and others to collect a note for \$800, dated July 13, 1903. The Queen City Varnish Company sued the Bennett Furniture Company for \$14,750, claiming that the company had secured as a Christmas gift, the two older negroes began a post-Christmas celebration early Tuesday morning, and during their festivities the greater part of the contents of the two jugs, containing whisky and wine respectively, were consumed. Finally becoming too drunk to imbibe any more liquor, the negroes began plying the child with both drinks, never stopping until he was unconscious. The child became violently ill, but the negroes only laughed at his predicament and did not call a physician. Mrs. Pryor, who committed the child to the custody of Judge Joseph Pryor, learned of the condition of the boy and went to his aid. She remained with him during the entire night, but was unable to afford any relief and the child died shortly after midnight.

Court of Appeals Decisions.

George W. Bramblett vs. Corn Land and Lumber Co., etc. (Galt Miller, etc.—Filed December 2, 1904.—Not to be reported.)  
First—Corporation—Director—Acceptance of Office—One who is elected as director of a corporation and who has not yet taken the oath of office, and who is in some way before he can become such officer, and the acceptance must be in the form of a written instrument. Holding over applies only to officers who were elected and installed during their term of office.

Second—Involuntary Corporation—President—A president of an insolvent and failing corporation cannot traffic in its property to its advantage and to its disadvantage, or buy in debts against it at a heavy discount and then assert them for full value. Whether or not a corporation is insolvent, it has the right to sell its property at a discount, and the sale is valid, even if the corporation is insolvent at the time of the sale.

Third—Stockholders—Buying Judgment—A stockholder who buys a judgment of a corporation, and who is not a creditor of the corporation, is not entitled to the benefits of the judgment, but is entitled to the benefits of the corporation's assets.

Fourth—Stockholders—Buying Judgment—A stockholder who buys a judgment of a corporation, and who is not a creditor of the corporation, is not entitled to the benefits of the judgment, but is entitled to the benefits of the corporation's assets.

Fifth—Restoration—If the company wants the land it must restore applicant and take him there, but before it will be allowed to do that it must restore him to the position he held when he was removed. The company is not allowed to take him to the position he held when he was removed, but it is allowed to take him to the position he held when he was removed.

Sixth—Benefit of Constructive Trust—While one may not make himself a trustee by a voluntary action, a creditor of an insolvent property owner, by rendering services on the latter's behalf, yet who is not a creditor, is entitled to the benefit of the property. The property is his, and afterward another receives it, the creditor is entitled to the benefit of the property.

Seventh—Sale of Real Estate for Taxes—Ad Valorem—Under Ky. St., Sec. 4153, as amended May 12, 1901, provided that "no levy or sale of real estate for taxes shall be valid until the Sheriff shall have made affidavit in writing and filed the same with the Clerk of the County Court of the county in which such lands are situated, showing that the persons from whom such taxes are due and whose real estate is to be sold, have no personal estate out of which said taxes can be made."

## LONG FIGHT

### Compromised By Payment of \$35,000.

### TO W. M. JOHNSON'S ESTATE.

CLAIMED POLICY OF \$50,000 IN NEW YORK LIFE.

### ATTORNEYS GET BIG FEES.

After hard-fought and expensive litigation covering a period of about six years and embracing three jury trials, a cash compromise for \$35,000 was effected yesterday in the suit of W. M. Johnson's administrator against the New York Life Insurance Company, brought to enforce collection of a \$50,000 policy. Had this settlement been made originally thousands of dollars would have been saved both sides in costs and attorneys' fees. The third trial of the case resulted in a verdict for the plaintiff for the full amount, in Judge Gordon's court, November 23, and a motion for a new trial was pending when the terms of settlement were reached. Had a new trial been refused it was defendant's intention to take an appeal which, had the settlement not intervened, would have made several more years of litigation.

The attorneys representing the plaintiff were Judge W. O. Harris, J. T. O'Neil, W. M. McClellan, and H. C. Bradley. The attorneys for the defendant were Judge W. O. Harris, J. T. O'Neil, W. M. McClellan, and H. C. Bradley.

First—Land—Execution Sale—Statutory Redemption—M. purchased the land of B. at execution sale for less than two-thirds of its appraised value. B. procured H. to redeem it by giving H. a mortgage thereon for the money. Under the agreement M. paid the redemption money and H. paid the mortgage money. After the year was out H. demanded a deed of B. for the land, which B. refused to give. Thereupon H. sold the land to P. H. in an action by B. against M. and P. for the land and for all equitable relief.

Held—That P. who was a bona fide purchaser of the land without notice, was entitled to the land, but B. was entitled to recover from M. the value of the land for the redemption money paid by M. to H. in an action by B. against M. and P. for the land and for all equitable relief.

Officers Chosen.

### BAR ASSOCIATION ELECTS EDWARD M'DERMOTT PRESIDENT.

Executive Committee Recommends Several Entertainments Each Year.—Total Membership 168.

At the annual election of officers of the Louisville Bar Association held yesterday afternoon Edward J. McDermott was chosen president to succeed Arthur M. Rutledge, incumbent during the year 1904. In joint session room, it was reported that the committee had accumulated a text-book library of ninety-eight volumes. A number of law magazines have also been subscribed for the use of members.

The committee has arranged for an address by Henry Burnett to be delivered in January on the subject, "How May the Election of Judges Be Taken Out of Politics?" The committee also recommends that a number of such addresses and entertainments be secured for the coming year. Following is the Executive Committee: Edward J. McDermott, chairman; Otto A. Wehle, Charles H. Gibson, Henry Burnett, David W. Fairclough.

### WILL SELECT THREE MEN FOR LIBRARIAN.

Committee Will Meet To-day and Recommend That One of These Be Elected By the Trustees.

Three men will be selected as those most suitable for the position of librarian of the Louisville Free Public Library at a meeting of the Library Committee, which will be held this afternoon at 4 o'clock. The committee will recommend to the full meeting of the trustees that one of these three men be selected as librarian, and it is almost certain that this recommendation will be acted upon favorably. The three men who will probably be selected are A. Y. Ford, of Louisville; W. W. Bishop, of Princeton, and W. F. Yust, of Albany, N. Y. These three names have been considered by the committee, and the two men from the East have been to Louisville and met the committee.

The committee will also agree upon some definite time for a meeting of the trustees of the library, when the librarian will be selected. A. H. Hopkins, the present librarian, who resigned to accept a position as librarian of the Carnegie Library in Pittsburgh, will leave Louisville January 1, and it is probable that the new librarian will be selected soon after that date, if not before.

### Patronize Home Industry.

Ask your grocer and meat market for our

## Kentucky Brand

Hams, Bacon, Lard and Sausage.

Made from Selected Kentucky Hogs, which produce the choicest of all products.

Kentucky Packing & Provision Co.

CENTRAL STOCKYARDS.

## THE MOST ARTISTIC

### Piano Player is

## The Cecilian.

If you have in your home a SILVER PIANO it can be awakened and made to give the most classical music, as well as the ragtime and popular airs of the day, with the aid of the CECILIAN.

You are invited to investigate the merits of the Cecilian.

Sold on payments if desired.

## Montenegro-Riehm Music Co.

628-630 Fourth Ave.

## BLAZE

Damages the Laib Company's Warehouse.

FIREMEN HAVE HARD FIGHT

PARTLY BECAUSE OF THE EXTREME COLD.

A GENERAL LOSS AVOIDED.

Died Soon After Application.

W. M. Johnson lived at Paintsville, where he represented the New York Life Insurance Company as a solicitor. He applied for \$50,000 on policy for insurance for himself and it was sent him. In payment he returned his notes to the company, and soon afterwards, before the matter was straightened out, died suddenly.

It was claimed by the company that the policy was only to be considered as a loan, and that the company was not bound to pay the full amount of the policy. The company was not bound to pay the full amount of the policy, but it was bound to pay the full amount of the policy, and it was bound to pay the full amount of the policy.

## TRANSFER

MR. WADE TO LOUISVILLE TO SECURE TRAFFIC.

C. H. and D. Railroad Taking Material Steps Following Its New Policy.

The forerunner of a vigorous campaign for passenger traffic to be waged in Louisville and vicinity was the arrival in this city yesterday of Frank P. Wade, traveling passenger agent for the C. H. and D. railroad, and whose headquarters have been in Indianapolis. Mr. Wade is a man of considerable experience in the many capable and valued employees of the C. H. and D. and as the man to direct the campaign which has been planned. Beginning January 1, Mr. Wade will make his headquarters in Louisville and will lose no time in making a study of the business.

This is one of the many changes resulting from the merging of the C. H. and D. and Pere Marquette systems, which has but recently been completed. The C. H. and D. in acquiring control of the Pere Marquette system, obtains a direct route to the line of its own to Detroit, where in the past it has been compelled to operate over rival lines north of Toledo. Other valuable terminals and connections result from the merger, and following the policy planned by the company, the three men who will probably be selected are A. Y. Ford, of Louisville; W. W. Bishop, of Princeton, and W. F. Yust, of Albany, N. Y. These three names have been considered by the committee, and the two men from the East have been to Louisville and met the committee.

## ALL DIRECTORS

EXPECTED TO ATTEND BOARD OF TRADE BANQUET.

Annual Dinner For Members To Be An Elaborate Affair.

All the twenty-six directors of the Board of Trade are expected to be present at the annual banquet in the Pendennis Club to-night. The banquet was the principal subject of discussion at the meeting of directors held in the Board of Trade building yesterday afternoon, and each member signified his intention of being present. The directors, Charles T. Ballard, Charles Earl Currie and James F. Buckner, Jr. Arrangements for the annual dinner of the members of the Board of Trade are being completed by John H. Brann, and the committee of which he is chairman. The dinner will take place either at the Galt House or the Louisville Hotel on the evening of January 25. While the names of the speakers have not yet been announced, it is believed that the principal address will be delivered by a man of wide reputation. Nominations for the places made vacant by the expiration of the term of

## THE MOST ARTISTIC

### Piano Player is

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## CHAFING DISHES.

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Prices the lowest that can be quoted for goods of highest excellence and distinctive exclusiveness. We invite your inspection.

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